

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:16-CR-17

v.

Hon. Janet T. Neff

LONDON ETTIONE DUNBAR,

Defendant.

_____ /

ORDER OF DETENTION

Defendant appeared this date for an evidentiary hearing on the government's motion for pretrial detention. Defendant is charged by indictment with being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1), 18 U.S.C. § 921(a), 18 U.S.C. § 924(e); distribution of heroin, in violation of 21 U.S.C. § 841(a)(1), 21 U.S.C. § 841(b)(1)(C); and distribution of methamphetamine, in violation of 21 U.S.C. § 841(a)(1), 21 U.S.C. § 841(b)(1)(C). (ECF No. 1). The offenses of distribution of heroin and methamphetamine are offenses under the Controlled Substances Act for which the maximum penalty is greater than ten years imprisonment. *See* 21 U.S.C. § 841(b)(1)(C). Accordingly, defendant is subject to a statutory rebuttable presumption in favor of detention. *See* 18 U.S.C. § 3142(e)(3)(A).

For the reasons stated on the record, and in conjunction with the information contained in the Pretrial Services Report, the Court finds that, while giving the defendant the benefit of the doubt that he rebutted the presumption concerning risk of flight, he has failed to rebut the presumption concerning danger to the community. Moreover, the government has proven by clear and convincing evidence that the defendant poses a danger to the community. The Court also finds that there is no condition or combination of conditions that will ensure the safety of other persons in the community.

Accordingly,

IT IS ORDERED that, pending trial, the defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with his defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

IT IS SO ORDERED.

Dated: February 10, 2016

/s/ Ray Kent
RAY KENT
United States Magistrate Judge